

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES I. CROSS,

Plaintiff,

v.

Case Number 10-12379

Honorable David M. Lawson

Magistrate Judge Mark A. Randon

HENRY FORD HEALTH SYSTEMS,
KINGSWOOD HOSPITAL, ST. JOSEPH MERCY
HOSPITAL - OAKLAND, OAKLAND COUNTY
CIRCUIT COURT, LARRY MASUMY,
MOHAMMAD GHAFARLOO, HON. LEO
BOWMAN, HON. ELIZABETH PEZZETTI,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
DISMISSING COMPLAINT PURSUANT TO 28 U.S.C. § 1915(e)(2)(B)**

Presently before the Court is the report issued on October 18, 2010 by Magistrate Judge Mark A. Randon pursuant to 28 U.S.C. § 636(b). Judge Randon recommended dismissing the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim against the defendants and because the Oakland County Circuit Court and its two judges are immune from suit.

Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 11] is **ADOPTED**.

It is further **ORDERED** that the plaintiffs' complaint is **DISMISSED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: November 10, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 10, 2010.

s/Deborah R. Tofil
DEBORAH R. TOFIL